

**1 - REMARKS**

- Claims **10-41** are currently pending;
- Claims **10-41** have been withdrawn;
- Claims **42-61** have been added.
- No new matter has been added;
- Of the pending claims, claims **42, 43, 49 and 50** are independent;
- Claims **42-61** are in condition for allowance.

**1. Non-Compliance**

The Examiner asserted that claims **1-9** (invention I) cancelled in Applicants Amendment of May 30, 2007 (hereinafter “The Amendment”) had been constructively elected by original presentation for prosecution on the merits. The Examiner further asserted that, accordingly, claims **10-41** (added in the Amendment) were withdrawn from consideration as being directed to a non-elected invention (invention II).

Applicants herein file new claims **42-61** all of which are directed to invention I (as defined by the Examiner) and previously constructively elected. Support for claims **42-61** can be found, at least, in claims **1-9** as originally filed and in the specification at pages 52, line 8 – page 54, line 21. As a result, no new matter has been added.

Applicants respectfully reassert that neither Marnell, Finnegan, Wynn, Walker, Pease, nor Marks individually teach or suggest obtaining a player identifier from the player and supplying the player with a portable communication device. With specific reference to the disclosure of Finnegan, Applicants note that there is provided no teaching or suggestion of

obtaining a player identifier from the player. As all of independent claims **42, 43, 49 and 50** recite these elements, Applicants respectfully submit that new claims **42, 43, 49 and 50** are allowable. Applicants further assert that no combination of such art, such a combination neither suggested nor deemed appropriate, suffices to teach the recited elements of claims **42, 43, 49 and 50**. As all of claims **44-48 and 51-61** depend upon claims **42, 43, 49 and 50**, they are likewise allowable.

### Conclusion

For the foregoing reasons it is submitted that all of claims **42-61** are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Jeffrey Ambroziak at telephone number (203) 461-7317 or via electronic mail at [jambroziak@walkerdigital.com](mailto:jambroziak@walkerdigital.com).

Applicants are filing this response within the one month statutory time for reply and, as a result, no petition for an extension of time is necessary. If any additional fees should be necessary for the present Application at this time (or any time during the prosecution of the present Application), please charge any such required fee to our Deposit Account No. 50-0271. Please credit any overpayment to Deposit Account No. 50-0271.

Respectfully submitted,

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Date

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